



## David L. Eidelberg

COUNSEL

### CONTACT INFORMATION

#### **Columbus Office**

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### PRACTICES / INDUSTRIES

#### **Litigation**

Banking & Commercial Litigation

Fire Litigation

Insurance Coverage

Workers' Compensation

#### **Real Estate**

Construction

Leasing

Shopping Centers

### AREAS OF CONCENTRATION

Commercial Landlord Tenant Litigation  
Commercial Lease Drafting and Negotiation  
General Commercial Litigation  
Workers' Compensation Defense  
First-Party Insurance Defense Litigation  
Arson Fraud  
Theft Fraud  
Bad Faith/Punitive Damages  
Coverage Issues  
Business Litigation

### EDUCATION

Oberlin College (B.A., 1985)  
Case Western Reserve University (J.D.,  
*cum laude*, 1988) Associate Editor, *Case  
Western Reserve Law Review*; Articles  
Editor, *Health Matrix*

### AT A GLANCE

First-party insurance defense litigation, credit life and disability insurance defense litigation, workers' compensation and commercial landlord-tenant litigation are primary areas of David's concentration, as well as general business litigation. In first-party insurance defense litigation, David's expertise includes arson fraud, theft fraud, bad faith/punitive damages and coverage issues. He represents clients with regard to employer safety compliance, VSSR investigations and hearings and obtaining retroactive coverage. David also practices commercial landlord-tenant litigation as well as general commercial litigation.

### REPRESENTATIVE EXPERIENCE

Experienced in first-party property insurance litigation, including the defense of fraudulent arson and theft claims, contractual claims, and bad faith and punitive damage claims.

Experienced in first-party credit life and disability insurance defense litigation.

Experienced in handling commercial litigation matters throughout the State of Ohio in both state and federal courts, including motion practice, negotiation and trial.

Extensive experience before the Industrial Commission of Ohio and Bureau of Workers' Compensation defending workers' compensation claims involving claim allowances, rating issues, self-insurance issues, disability awards, non-complying employer issues and violations of specific safety requirements.

Successfully negotiated settlements of workers' compensation claims prior to trial.

Successfully defended employers, at all administrative levels, in Common Pleas Court and the Court of Appeals against injury, occupational disease, non-complying employer and death claims.

# David L. Eidelberg

## REPORTED CASES

*Barnett v. City of Columbus*, 2006 U.S. Dist. LEXIS 8726 (S.D. Ohio Feb. 16, 2006)  
*Hixson v. Callentine*, 107 Ohio St. 3d 1208, 2005 Ohio 6508, 839 N.E.2d 28, 2005 Ohio LEXIS 3017 (2005)  
*Hixson v. Callentine*, 106 Ohio St. 3d 1478, 2005 Ohio 3978, 832 N.E.2d 733, 2005 Ohio LEXIS 1672 (2005)  
*Hixson v. Callentine*, 159 Ohio App. 3d 146, 2004 Ohio 5943, 823 N.E.2d 459, 2004 Ohio App. LEXIS 5370 (Ohio Ct. App., Athens County 2004)  
*Wilson v. Nat'l Union Fire Ins. Co.*, 2003 Ohio 7277, 2003 Ohio App. LEXIS 6563 (Ohio Ct. App., Perry County Dec. 26, 2003)  
*Mulilns v. Progressive Cos.*, 1999 Ohio App. LEXIS 2905 (Ohio Ct. App., Scioto County June 16, 1999)  
*Montalvo v. Air Transp. Int'l*, 115 Ohio App. 3d 682, 685 N.E.2d 1329, 1996 Ohio App. LEXIS 5164 (Ohio Ct. App., Lucas County 1996)  
*Limage v. Citiscene Properties*, 1992 Ohio App. LEXIS 3055 (Ohio Ct. App., Franklin County June 9, 1992)  
*Spangler v. Redick*, 74 Ohio App. 3d 798, 600 N.E.2d 720, 1991 Ohio App. LEXIS 3423 (Ohio Ct. App., Franklin County 1991)  
*Miller v. SCOA Industries, Inc.*, 1991 Ohio App. LEXIS 1239 (Ohio Ct. App., Franklin County Mar. 19, 1991)

## HONORS & DISTINCTIONS

Recipient, Outstanding Achievement Award from the National Society of Professional Insurance Investigators (NSPII)

## PUBLICATIONS & PRESENTATIONS

"The Duty to Cooperate: How Much Non-Cooperation is a Failure to Cooperate," National Society of Professional Insurance Investigator's Advanced Insurance Fraud Seminar (November 2009)  
"Workers' Compensation Basics," The Fisher College of Business at The Ohio State University (February 2009)  
"Ohio Workers' Compensation – An Overview," The Fisher College of Business at The Ohio State University (February 2008)  
"Lease Provisions and Issues – Planning Ahead To Avoid Problems," Sterling Education (July 2006)  
Convention Lecturer on using computers in the courtroom, Ohio State Bar Association

## PROFESSIONAL AFFILIATIONS

American Bar Association  
Ohio State Bar Association  
Columbus Bar Association  
National Society of Professional Insurance Investigators (NSPII)  
Ohio NSPII Chapter (*Committee Member and Former President*)

## ADMISSIONS

State of Ohio  
U.S. District Court, Southern District of Ohio  
U.S. District Court, Northern District of Ohio